IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

Single Bench

M.C.C.NO. 50 /2004

(M.A.NO.688/2003)

APPELLANTS/ APPLICANTS

1. Smt Nirmala Sharma, aged about 56 years, widow of Late Vishnu Kumar Sharma

2. Devendra Kumar Sharma, aged about 34 years, son of Late Vishnu Kumar Sharma

3. Ku. Rashmi Sharma, aged about 26 years, Daughter of Late Vishnu Kumar Sharma.

4. smt Malini Sharma, aged about 22 years, daughter of Late Vishnu Kumar Sharma.

All are residents of Pragati Nagar, Chos Gali, Lakhe Nagar, Raipur (Chhattisgarh)

P. R. No. 779/04
Presented by Shri Abhishek Sharma
dated 29-03-04

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29/3/04
Clerk to A. G. Bilaspur

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Collector, Raipur.

2. The Executive Engineer, Chhattisgarh Housing Board, Raipur (Chhattisgarh)

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APPLICATION FOR RESTORATION OF THE M.A.N O. 888/2003

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..MCC..507/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	31-8-2006 Shri Ashok Soni, counsel for the applicants. Shri U.N.S. Deo, Govt. Advocate for the State. Heard. The instant MCC has been filed by the applicants for restoration of M.A.No.888/2003. Learned counsel for the applicants submits that the claim appeal bearing M.A.No.888/2003 was taken up for hearing on 16-12-2003 and on the said date it was directed that the defaults be made good within 15 days subject to cost of Rs.50/- payable to the High Court Bar Association, failing which the appeal shall automatically stand dismissed without reference to the Bench. Learned counsel for the applicants submits that due to bona fide mistake the order passed by this Court has not been complied with. He prays for restoring the Misc. Appeal to its original number. The application for restoration of Misc. Appeal is supported by an affidavit of applicant No.2 Devendra Kumar Sharma. Having considered the facts and circumstances of the case, material on record and in view of the decision of Supreme Court rendered in the case of **Rafiq and another vs. Munshilal and another (AIR 1981 SC 1400)** wherein it has been held that the party should not suffer because of mistake or error of the counsel, the MCC is allowed. The Misc. Appeal No.888/2003 is restored to its original number i.e. Misc. Appeal No.888/2003. Copy of this order be placed in Misc. Appeal No.888/2003. Certified copy as per rules. **Sd/-** **Fakhruddin** **Judge**	

P.T.O.